IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.936 OF 2007

1. Shri.Anant Dattu Khune
2. Shri.Dattu Bibhishan Khune
3. Shri.Prashant Nivrutti Vidhate
All are r/o Kari Tal.Barshi
Dist.Solapur
(at present in Solapur Dist. Prison) ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.V.V.Purwant Advocate for Applicants
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 26, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail in C.R.No.101 of 2006 of Pangri Police Station, Solapur. The said case is mainly under Section 302 of IPC.

3. It is the case of the prosecution that the

applicants assaulted one Mohan as they believed that he stole the S.T.P. spray pump from their field. Applicant no.1 assaulted Mohan with stick and applicant nos.2 and 3 assaulted Mohan with fist blows. On account of said assault, Mohan died after two days.

4. Mr.Purwant, the learned advocate for the applicants submitted that the case would not fall under Section 302 of IPC and in fact, it may also not fall under Section 326 of IPC. In support of his contention, he has drawn my attention to the post mortem notes. The said post mortem notes show that four contusions were found on the body of the deceased. Two contusions were on the upper arm of the deceased, one was on the back of the deceased and another was on the head of the deceased. The cause of death is shock due to injury to the head.

5. Looking to the statements of the witnesses and the post mortem notes, prima facie, I find much merit in this submission. Hence, I am inclined to grant bail to the applicants.

6. Each of the three applicants to be released on

bail in the sum of Rs.15,000/- each (Rs.fifteen thousand only) with one or two sureties to make up the said amount in connection with C.R.No.101 of 2006 of Pangri Police Station, Solapur. The applicants shall report to the concerned Police Station, once in a week till the conclusion of the trial.

7. Application is disposed of.

[V.K.Tahilramani, J.]